

U.S. Appln. No. 09/920,883
Reply to Office Action dated July 15, 2005

PATENT
450100-03:86

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-14 are pending. Claims 1, 4, 10 and 11 are independent. Claims 1-6 and 9-13 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed and specifically on page 10, lines 15-25, and on page 12, lines 15-19. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-14 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,698,020 to Zigmond, et al. (hereinafter, merely "Zigmond").

Claim 1 recites, *inter alia*:

"A communication apparatus comprising:...

wherein the additional signal is displayed simultaneously with the program signal inside or outside a window of a program corresponding to the program signal; and

wherein a viewing fee is reduced by a predetermined amount when the displayed additional signal is an advertisement and the viewing fee is increased by a

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predetermined amount when the displayed additional signal is an additional service.” (Emphasis Added)

As understood by Applicants, Zigmond relates to a system and method for selecting and inserting advertisements into a video programming feed at the household level. An advertisement insertion device in a home entertainment system receives a plurality of advertisements from an advertisement source. The advertisement insertion device selects one of the advertisements for display to a viewer according to advertisement selection criteria combined with viewer and system information. The video programming is displayed to a viewer while the advertisement insertion device monitors the programming feed for a triggering event indicating an appropriate time to display the selected advertisement. At the appropriate time, the video programming feed is interrupted and the selected advertisement is displayed.

Applicants respectfully submit that Zigmond fails to teach or suggest the above-identified features of claim 1. Specifically, Zigmond does not disclose that an additional signal is displayed simultaneously with the program signal inside or outside a window of a program corresponding to the program signal and wherein a viewing fee is reduced by a predetermined amount when the displayed additional signal is an advertisement and the viewing fee is increased by a predetermined amount when the displayed additional signal is an additional service, as recited in amended independent claim 1.

Applicants submit that the present invention is distinguished from Zigmond since Zigmond discloses in column 17, lines 27-31 that when a triggering event is received according to decision box 114, the video switch is activated in step 116, thereby interrupting the display of the video programming feed and displaying the selected advertisement.

Therefore, Applicants submit that independent claim 1 is patentable.

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For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, amended independent claims 4, 10 and 11 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 4, 10 and 11 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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